

ReedSmith

MEMO ENCLOSED

Casey D. Laffey
Direct Phone: 212.549.0389
Email: claffey@reedsmith.com

Reed Smith LLP
599 Lexington Avenue
New York, NY 10022-7650
212.521.5400
Fax 212.521.5450

June 4, 2008

BY HAND

Honorable Naomi R. Buchwald
United States District Court
Southern District of New York
United States Courthouse
500 Pearl St., Room 2270
New York, NY 10007

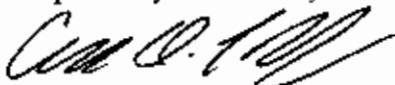
Re: Tombers v. Indymac Bank, F.S.B., 08 Civ. 5068 (NRB)(JCF)

Dear Judge Buchwald:

We represent defendant Indymac Bank, F.S.B. ("Defendant") and write to request an adjournment of Defendant's time to answer, move, or otherwise respond to Plaintiff's complaint. Yesterday, June 3, 2008, this action was removed to this Court from New York State Supreme Court. A copy of the Notice of Removal is enclosed. Pursuant to Fed. R. Civ. P. 81(c), Defendant's time to answer, move, or otherwise respond to Plaintiff's complaint will expire on June 9, 2008. Defendant respectfully requests that this time be extended to July 9, 2008. *The defendant moved. Submit a letter seeking time to move.*

This is the Defendant's first request for an extension of time. The request is being made due to the complexity of the preemption issues that will be raised in Defendant's motion to dismiss. We have attempted to obtain the consent of Plaintiff's counsel, but he has refused to consent to the adjournment. Therefore, we respectfully request that the Court extend Defendant's time to answer, move, or otherwise respond to the Complaint from June 9, 2008 to July 9, 2008. *Ordered. Answer time is extended until the Court's ruling on whether leave will be granted.*

Respectfully Submitted,



Casey D. Laffey

cc: Roger J. Bernstein, Esq.
(by overnight courier)

James C. Shah, Esq.
(by overnight courier)

